IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 10295 of 2001

Between:

M.T.Raja S/o M.Manikyam
H.No.73, 74, 10th ward, Venkateswara Temple Street,

Repalle, Guntur District.

..... PETITIONER

AND

1. The Station House Officer, Repalle Police Station,
   Guntur District.
2. The Circle Inspector, Repalle Circle Police Station,
   Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, preferably in the nature of writ of mandamus, declaring the action of the respondent police in interfering and not allowing the petitioner to run the business "KRISHNA CORPORATION" situated at 10-14-73, Prabhala Vari Street, Repalle, Guntur District, as illegal, without authority of law and violative of Articles 19, 21 & 300A of the Constitution of India and consequently direct the respondents not to interfere with petitioner's business.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:

The petitioner is a businessman. He is carrying on business in selling household articles in the name and style of M/s.Krishna Corporation. It appears that he is advertising in Repalle Town that he would supply household articles and furniture at 50% discount rate to those customers, who pay the amount in advance. Alleging that the respondents are interfering in his business, though he obtained all licences the present writ petition is filed, seeking a direction to the respondents not to interfere in his lawful business.

The first respondent filed a counter affidavit stating that as there are instances in the State of Andhra Pradesh wherein business people made false promises of supplying articles at discounted rates and escaped with money, the first respondent gave statements in the daily newspapers warning the customers to be more vigilant. The allegations that the respondents interfered or summoned the petitioner are denied. A categorical declaration is that the respondents never interfered with the business of the petitioner.

Though the counter affidavit is filed, the same was not denied. However, this Court already passed interim orders directing the respondents not to interfere with the lawful business as long as the petitioner carries on lawful business. As rightly contented by the learned counsel for the petitioner, the Police cannot interfere. However, if there is any complaint against the petitioner alleging a commission of the cognizable offence, it is always open to the respondents to take action against the petitioner.

The writ petition, with the above observations, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

21.06.2005

vs

To

1. The Station House Officer, Repalle Police Station,
   Guntur District.
2. The Circle Inspector, Repalle Circle Police Station,
   Guntur District.

3. The Government Pleader for Home, High Court Buildings, High Court

of A.P., Hyderabad)O.U.T)

4. 2 CD copies.

*Form-NIC-OGS/WP{**VEENA**}*